

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 31 MARCH 2006 05/1255/FL: ERECTION OF 28 NO. RESIDENTIAL UNITS AT SITE BOUND BY SUTHERLAND DRIVE, MACDONALD DRIVE AND MACBETH DRIVE, NEW FARM LOCH, KILMARNOCK BY ATRIUM HOMES

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of 28 residential units and associated access roads. The proposed development is sited around three cul-de-sacs, with access to the development taken from the existing entrance off MacDonald Drive. Approximately 810 square metres of amenity open space have been provided adjacent to Sutherland Drive.

1.2 The proposed housing will be two storey semi-detached and terraced properties and one bungalow. Sixteen semi-detached properties are proposed, twelve of which will be two-bedroomed and four will be three-bedroomed. There are to be eleven two-bedroomed terraced properties and one two-bedroomed bungalow suitable for a wheelchair user. The access road and pavement for this development are to be constructed as a "shared-surface" with two traffic calming speed tables being provided.

1.3 Seven properties will front onto MacDonald Drive, with vehicular access to these properties being taken from the rear of the houses.

1.4 The proposed external materials for the dwellings are red multi-facing brick and white render with grey concrete tiles. Metal and timber fencing is proposed as the boundary treatments.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is considered to accord with the policies of the Development Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997,

the application should be approved unless material considerations indicate otherwise.

3.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The concerns of objectors are noted, however, they are not considered to be of sufficient weight to justify a recommendation of refusal. The concerns either are not material or can be addressed by attaching conditions to the grant of planning consent. It is considered that the development is of an appropriate size, scale and design that is compatible with the character of the surrounding area. The development has been designed and sited to minimise its impact on the amenity of adjacent properties. The proposed development will remove a vacant site and replace it with a modern residential development.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards and for reasons other than the principle of residential development, it will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish

Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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CENTRAL LOCAL PLANNING COMMITTEE: 31 MARCH 2006 05/1255/FL: ERECTION OF 28 NO. RESIDENTIAL UNITS AT SITE BOUND BY SUTHERLAND DRIVE, MACDONALD DRIVE AND MACBETH DRIVE, NEW FARM LOCH, KILMARNOCK BY ATRIUM HOMES

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is a larger application of area significance and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is currently a vacant piece of ground, 0.9 hectares in area, located within an existing residential area. Previously a Local Authority flatted development was located on the site which has since been demolished.

2.2 The site is slightly raised from the street level on both Sutherland Drive and MacDonald Drive and rises away from the public roads to a platform at the centre. The previous access road, from MacDonald Drive, for the flatted development, is still in existence at this site. Since the demolition of the flats the site has been grassed over.

2.3 The site is surrounded by existing residential developments. To the north is a flatted development on MacBeth Drive, to the east and south are detached houses on Sutherland Drive and to the west terraced properties on MacDonald Drive.

2.4 **Proposed Development:** Full planning permission is sought for the erection of 28 residential units and associated access roads. The proposed development is sited around three cul-de-sacs, with access to the development taken from the existing entrance off MacDonald Drive. Approximately 810 square metres of amenity open space have been provided adjacent to Sutherland Drive.

2.5 The proposed housing will be two storey semi detached and terraced properties and one bungalow. Sixteen semi detached properties are proposed, twelve of which will be two-bedroomed and four will be three-bedroomed. There are to be eleven two-bedroomed terraced properties and one two-bedroomed bungalow suitable for a wheelchair user. The access road and pavement for this development are to be constructed as a “shared-surface” with two traffic calming speed tables being provided.

2.6 Seven properties will front onto MacDonald Drive, with vehicular access to these properties being taken from the rear of the houses.

2.7 The proposed external materials for the dwellings are red multi facing brick and white render with grey concrete tiles. Metal and timber fencing is proposed as the boundary treatments.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division, PowerSystems and Scottish Water have no objections to the proposed development.

Noted.

3.2 New Farm Loch Community Council have not responded to their consultation letter at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 There are fourteen objections to the proposed development and their grounds of objection are as follows:-

4.2 The positioning of plots 1-7 which will be fenced to the edge of the pavement as the existing houses are below pavement level, the view from their living room window will be a stockade.

It is not considered that the positioning of the houses fronting onto MacDonald Drive will create an overlooking issue. There is a distance of 23 metres which is considered acceptable. The front boundary feature is shown as a 900 mm metal fence.

4.3 Plots 3, 4 and 5 will be at a higher level and will look into their living room and bedroom on MacDonald Drive.

See response to 4.2 above.

4.4 The loss of light into properties on MacDonald Drive as the siting of these houses is totally unacceptable.

The difference in level is not considered to be so great as to cause an overshadowing impact onto the existing properties on MacDonald Drive and there is an acceptable distance between existing and proposed properties.

4.5 Changes have been made to soften the visual impact on the residents of Nos. 2-12 Sutherland Drive while the opposite effect is being proposed for MacDonald Drive. The majority of the houses in this street are privately owned and request similar consideration is given to their concerns and that landscaping be included at Plots 1-7. This would involve moving the proposed houses and fence back at least 8 metres to facilitate the landscaping comprising grass and trees.

During the course of this application there have been no changes made to the proposed location and depth of the amenity open space. The objector may be referring to the previous application on this site (Ref: 05/1019/FL) which was withdrawn, and had a different open space arrangement. It is considered that the relationship between the existing housing on MacDonald Drive and the proposed housing is acceptable and will not have an adverse effect on the amenity of existing properties.

4.6 Plots 22 and 23 will have their back gardens facing the front doors of Nos. 4,6 and 8 Sutherland Drive. These will be the only houses in New Farm Loch with their front doors looking onto someone's back garden. They could end up looking at their rubbish in the back gardens. The high fence round the garden is not going to be pretty.

The houses to which the objector refers have been orientated this way to satisfy the concerns of the Council's Roads and Transportation Division. Advice was received in relation to this as the orientation of the front of these houses onto Sutherland Drive was considered to carry a high potential for on-street parking at this location. The Roads Division advised this was not acceptable due to the high volume of buses that use the street and the curve the street follows, increasing the potential for accidents.

Atrium Homes, the Housing Association who will be managing these properties, have advised that they have control over the items stored and the maintenance of the properties and the build-up of rubbish

and general untidy gardens will not be permitted. The presentation of a rear garden boundary to a public road is not an unusual arrangement.

4.7 Three extra houses have been added to the original plans increasing the number of houses proposed to 28.

The site is considered to be capable of accommodating the increase in housing numbers as the standards for parking, private and public open space have been achieved without having a detrimental impact on amenity.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 There are no policies in the Ayrshire Joint Structure Plan that are particularly applicable to this proposal.

Adopted East Ayrshire Local Plan

5.3 Policy RES 4 positively encourages the sympathetic residential development of gap, infill or other redevelopment sites including those created through the large scale demolition of existing housing, not specifically safeguarded or identified for particular development purposes on the Local Plan maps. Developments will be assessed on the following criteria:

- i) impact on the surrounding natural and built environment and adjacent uses;

The site is in an existing residential area and has previously been developed for residential purposes in the form of a flatted development. Residential development at this location is considered to be an appropriate use of the land.

- ii) transportation and infrastructure implications;

The proposal has been assessed by the Councils Roads and Transportation Division who had no adverse comments to make on the scheme in relation to this issue.

- iii) compatibility with surrounding densities and housing types; and

The density, orientation and design of the proposed development are all considered to be acceptable at this location. There is a mixture of housing types in the immediate vicinity, including flats, terraced properties and detached properties. The development of the site for semi-detached and terraced properties is therefore considered appropriate.

- iv) compliance with the Council's Development Promotion and Design Guidance.

The proposed development has been assessed against the Council Design Guidance in Section 5.5 below and is considered to be consistent with this Guidance.

5.4 The proposed development accords with Policies RES 19 and RES 22 in terms of public and private open space.

5.5 Policy ENV 7 of the EALP is relevant and advises that all developers will be expected to fully comply with the Council's Design Guidance. The Design Guidance for new residential developments for infill or gap sites must recognise and reflect the scale, design features, rhythm of doors and windows, storey height, density and materials of surrounding buildings. Furthermore the Design Guidance also states that any new housing development shall not result in unacceptable overlooking or have a visually intrusive impact on neighbouring properties.

It is considered that the proposed development relates to an existing residential area and the external finishes are acceptable. The proposed development reflects the scale and size of adjacent residential properties. It will not have a visually intrusive nor will it have an overbearing or oppressive impact on adjoining dwellings.

5.6 The applicant declined to contribute to the Sports, Leisure and Recreation Fund in terms of Policy TLR 5 of the EALP.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the consultation replies detailed in Section 3 of this report, the

objections received detailed in Section 4 of this report and the planning history of the site.

Consultations Received

6.2 The consultations have been fully addressed in Section 3 of the report. It is not considered that any aspects of the consultation responses raise any issues that would warrant the refusal of this application.

Representations

6.3 The concerns of the objectors have been assessed in Section 4 of the report are either not material to this application or can be addressed by attaching suitably worded conditions. With regard to the appropriateness and design of the proposed development it is considered to be compatible with the immediate area. The proposed dwellings have been sited to minimise their impact on the adjacent dwellinghouses.

Planning History

6.4 Application No. 05/1255/FL: Residential – 25 units. Site bounded by Sutherland Drive, MacDonald Drive and MacBeth Drive, Kilmarnock. This application was withdrawn by the applicant on 7th October 2005.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is considered to accord with the policies of the Development Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As indicated at Section 6 of the report there are material considerations relevant to this application. The concerns of objectors are noted, however, they are not considered to be of sufficient weight to justify a recommendation of refusal. The concerns either are not material or can be addressed by attaching conditions to the grant of planning consent. It is considered that the development is of an appropriate size, scale and design that is compatible with the character of the surrounding area. The development has been designed and

sited to minimise its impact on the amenity of adjacent properties. The proposed development will remove a vacant site and replace it with a modern residential development.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards and for reasons other than the principle of residential development, it will not require to be referred to the Development Services Committee as there would be no significant breach of Council policy.

Alan Neish
Head of Planning, Development and Building Standards

23 March 2006
(FC/MMM/IMB)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plan.
2. Statutory Letters/Certificates.
3. Consultation Replies.
4. Letter of Representation.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Application No: 05/1255/FL.

Anyone wishing to inspect the above papers please contact Fiona Campbell, Planning Officer, on 01563 576787.

Implementation Officer: Alan Neish.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/1255/FL

Site of Proposal:	Site bounded by Sutherland Drive/MacDonald Drive and MacBeth Drive, New Farm Loch, Kilmarnock KA3 7HL
Nature of Proposal:	Residential – 28 units.
Name & Address of Applicant:	Atrium Homes 39-41 John Finnie Street KILMARNOCK KA1 1BL
Name & Address of Agent:	John Gilbert Architects 4c 1 Templeton Business Centre GLASGOW G40 1da

DPOs Reference: FC/MMM

The above FULL application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form and plans received on 17 November 2005 and amended plans received 20 February 2006.

REASON To ensure that the development is carried out in accordance with the approved details.

2. Prior to the commencement of any works on site, details and samples of all external finishes of the proposed development shall be submitted to and approved in writing by the Planning Authority and shall be implemented thereafter as approved on site.

REASON To ensure the visual integration of the proposed development with the surrounding area.

3. Notwithstanding the plans hereby approved, and prior to the commencement of any works on site, details and samples of all external ground surfaces shall be submitted to, and agreed in writing by the Planning Authority, and shall be implemented thereafter as approved.

REASON In the interests of the amenity of the surrounding area.

4. Notwithstanding the plans hereby approved, the proposed boundary treatments are not hereby approved. Details of an alternative boundary treatment which shall incorporate the use of facing brick or render to MacDonald Drive and Sutherland Drive shall be submitted to and approved by the Planning Authority and shall be implemented prior to the occupation of the adjacent house.

REASON In the interest of achieving a good standard of residential amenity.

5. A landscaping scheme for the amenity open space areas and the boundary of the site shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and shall be implemented not later than the next appropriate planting season after the occupation of the first residential property. The scheme shall include details of the maintenance arrangements and the landscaping shall thereafter be maintained in accordance with these details.

REASON To ensure that the site is adequately landscaped and is subsequently maintained in the interests of residential and visual amenity.

6. Before any work commences on site, details of a Sustainable Urban Drainage System and its maintenance following installation shall be submitted to and approved in writing by the Planning Authority. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details prior to the occupation of any of the residential units.

REASON To ensure that adequate drainage is provided.

7. During the period of construction works, the developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are maintained free from mud and other material carried from the site by construction and any other vehicles.

REASON In the interests of public and road safety and residential amenity.

8. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dirt or general disturbance.

REASON In the interests of amenity and to prevent such established amenity being adversely affected.

9. No external construction work, site clearance or preparation works shall take place before 08:00 hours and after 17:00 hours on Mondays to Friday, before 08:00 hours and after 13:00 hours on Saturdays, nor at any time on Sundays.

REASON In the interests of residential amenity.

10. Notwithstanding the approved plans, details of the provision for the storage of refuse bins and the treatment of these areas shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on site and implemented on site as approved prior to the occupation of any residential units. These details shall take cognisance of the storage needs of the Council's three bin re-cycling system.

REASON To ensure adequate access to and treatment of bin storage accommodation provision in the interests of the amenity of the area.

11. Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority before any development commences on the site and shall thereafter be implemented as approved.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

12. No materials other than top soil shall be brought onto the site for the purposes of infilling or improving ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and materials used in making up of ground levels.

13. Any changes in finished floor levels or proposed ground levels approved under Condition 1 shall be notified to, and approved by, the Planning Authority prior to their implementation.

REASON In order to ensure that any changes in the approved levels are notified to the Planning Authority to determine their impact on the development area.

NOTES

1. Prior to the commencement of development on site, the applicant should satisfy him/herself as to the suitability of the site for construction purposes.
2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific arrangements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
3. SUDS shall be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
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PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
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